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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,228	01/24/2005	Masaki Nishioka	XA-10269	6906
181 7590 05/25/2007 MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			EXAMINER ROCCA, JOSEPH M	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,228

Applicant(s)

NISHIOKA ET AL.

Examiner

Joseph Rocca

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/30/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2, 4, 6-8, 10, 12-14, 16 and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Murakami et al. (U.S. 6,990,874 B2). Specifically with respect to **claims 1, 7, and 13**, Murakami discloses a tilt steering a column apparatus comprising:

- a. a steering shaft (Element 3) to which constructed to have a steering wheel (Element 2) mounted at a rear end portion thereof;
- b. a cylindrical steering column (Element 4) having said steering shaft (Element 3) rotatably supported therein;
- c. a pair of vehicle body-side brackets (Elements 13 and 16) the rear most bracket (Element 16) having vertically extending side plates (sides of Element 16, *see* Fig. 4) used to sandwich clam and fix said steering column (Element 4), each extending from a vehicle body-side strength member (Element 7, *see* Fig. 3) positioned above the steering column (Fig. 3, Elements 4 and 7), said side plates (Fig. 4, Element 16 (each respective side)) being disposed to clamp and fix said expanded portion (Element 12) of said steering column (Element 4) therebetween (Fig. 4);

- d. a distance unit (Element 12) formed as an expanded portion (*see* Fig. 4, Element 12 [showing that the distance unit (12) expands as a portion from the top of the steering column]) of said steering column – with respect to the limitation that the distance unit is formed by plastic working and disposed between said body-side brackets the applicant should note that the method of forming the device is not germane to the issue of patentability of the device itself;
- e. a position adjusting means/ mechanism (Element 23) for making the position of said steering column (Element 4) with respect to said body-side brackets (Element 16) adjustable within a predetermined adjustment range – operable to adjust the position of said steering column (Element 4) relative to said side plates (Element 16),
- f. wherein said position adjusting means / mechanism comprises as its constituent element includes an adjusting bolt (Element 18) passing through said body-side brackets (Element 16) and through said distance unit (Element 12), and cooperable with a threaded member (Element 57) so as to releasably clamp said distance unit (Element 12) between said body-side brackets (Element 16), wherein the position adjusting mechanism further comprises a fastening mechanism (Fig. 4), and
- g. said adjusting bolt (Element 18) is positioned above said steering shaft within said distance unit (Fig. 4) – within said expanded portion (Element 12) of said steering column.

With respect to **claims 2, 8, and 14**, Murakami further discloses a steering column apparatus, wherein said steering column is adjustable in a tilting direction with

respect to said body-side brackets / side plates (Element 16), and lower ends of said body-side brackets/ side plates (Fig. 4), are positioned higher than a lower surface of a portion of said steering column disposed between said brackets in a most tilted-up position of said steering column (Figs. 1-4). Applicant should note that based on the existence of the rear bracket (Element 13) and the location of (element 16) it would be impossible for the lower ends of said body-side brackets/ side plates to be located below the lower surface of a portion of said steering column, when said steering column disposed between said brackets in a most tilted-up position of said steering column to be located below. Further, specifically with respect to claim 14, the side plates do not protrude downwardly relative to a lower surface of a lengthwise portion of said steering column disposed between said steering column (Fig. 4).

Claims 4, 6, 10, 12, 16 and 18, are anticipated by Murakami, because as discussed above the limitation of using plastic working to form the distance unit is a method of forming the device and as such is not germane to the issue of patentability of the device itself. Accordingly, the limitation that said plastic working is performed by hydroforming is not germane to the issue of patentability of the device itself.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 9, 11, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (U.S. 6,990,874 B2) in view of Ryne et al. (U.S. App.

2002/0066333 A1). As is discussed above Murakami discloses all of the limitations of claims 3, 5, 9, 11, 15, and 17, except for the use of an electric assist mechanism for assisting a steering power of said steering wheel is secured to a front end of said steering column. Ryne discloses the use of an adjustable steering column (Element 10) having an electric power assist mechanism (12), for assisting a steering power of said steering wheel, secured to a front end of the steering column (Figs. 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Murakami to utilize an electric assist mechanism for assisting a steering power of said steering wheel is secured to a front end of said steering column, in view of the teachings of Ryne, so as to provide a means for making it easier for an operator to steer and drive the vehicle, which is designed in such a manner that is both reliable and designed to have a lower manufacturing cost, than similar power assist systems.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Examiner's Note***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: the following references disclose steering columns that appear similar to that disclosed by applicant.

- a. Uphaus (U.S. 5,687,990)
- b. Sato et al. (U.S. 6,237,954 B1)
- c. Ryne et al. (U.S. 6,389,924 B1)
- d. Ikeda et al. (U.S. 6,467,807 B2)

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e. Kuroumaru et al. (U.S. 6,851,331 B2)

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Rocca whose telephone number is 571-272-5191. The examiner can normally be reached on 8:30 AM to 5:00 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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